

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-20 in the application. In previous responses, the Applicants amended Claims 1-12 and 14-20. In the present response the Applicants have amended independent Claims 1, 8 and 15 as discussed in the telephonic interview. The Applicants believe the present amendment places the pending Claims in condition for allowance. Claims 1-20 are currently pending in the application.

I. Rejection of Claims 1-5, 7-12, 15-17, 19 and 20 under 35 U.S.C. §102

The Examiner has rejected Claims 1-5, 7-12, 15-17, 19 and 20 under 35 U.S.C. §102(b) for being anticipated by U.S. Patent No. 5,772,586 to Heinonen. The Applicants respectfully disagree in view of amended independent Claims 1, 8 and 15.

Heinonen does not disclose a vital sign sensor fabricated within a chassis of a mobile telephone as recited in amended independent Claim 1. On the contrary, as recognized by the Examiner, Heinonen discloses a measuring unit 11 that can be placed in the battery space of a mobile phone MS. (*See* Examiner's Final Rejection, pages 2-4 and Heinonen, column 4, lines 57-59 and Figure 2.) As illustrated in Figure 3, the measuring unit 11 includes an electronic section 20 that is used to measure glucose levels. (*See*, column 5, lines 14-65, and column 3, lines 59-64.) Thus, Heinonen discloses a vital sign sensor that is not fabricated within a chassis of the mobile phone MS, but instead is included within the measuring unit 11 that is connected to the mobile phone MS. Since Heinonen provides no teaching that the electronic section 20 is fabricated within a chassis, or in a chassis, of the mobile phone MS, Heinonen does not teach each element of amended independent Claim 1 and Claims dependent thereon.

Additionally, Heinonen does not disclose a mobile telephone including a processor shared by a mobile telephone and a vital sign measurement system, configured *to control measuring performed by* a body temperature sensor, a blood pressure sensor and a pulse detector as recited in amended independent Claim 15. On the contrary, Heinonen discloses that the measuring unit 11 includes the means for performing vital sign measurements. (See column 3, lines 57-64, and column 5, lines 14-65.) After the measuring unit 11 determines the measurement result, then the mobile phone MS is used to transmit the measurement results to, for example, a data processing system 9 of a hospital 2. (See column 3, line 65, to column 4, line 7.) Thus, Heinonen discloses that the mobile phone MS is used to transmit measurement results but provides no teaching that the mobile phone MS includes a processor that is used to control vital sign sensors. As such, Heinonen does not teach each element of amended independent Claim 15. Analogously, Heinonen does not teach similar limitations of amended independent Claims 1 and 8.

In the Final Rejection, the Examiner asserts that the phone software in Heinonen is subjected to changes so that the display and keyboard are used to monitor and control the measured data detected by the measuring unit. (See page 2, referring to column 4, line 54, to column 5, line 3, of Heinonen.) Heinonen provides no teaching, however, that a processor of the mobile phone MS is configured to control the vital sign sensors of the measuring unit 11. Instead, Heinonen states that the “phone may also have been subjected to changes concerning its software, so that the **measuring unit 11** is able to **utilize** the display 12 and the keyboard 13 of the phone.” (See column 4, line 67, to column 5, line 3. Emphasis added.) As such, Heinonen merely indicates that software of the mobile phone MS can be updated such that the measuring unit 11 can use the interfaces of the mobile phone MS; not such that a processor of the mobile phone MS can be used to control vital sign

sensors of the measuring unit 11.

Heinonen, therefore, fails to teach each element of amended independent Claims 1, 8 and 15. As such, Heinonen does not anticipate Claims 1, 8 and 15 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to Claims 1-5, 7-12, 15-17, 19 and 20 and allow issuance thereof.

II. Rejection of Claims 6, 13-14 and 18 under 35 U.S.C. §103

The Examiner rejected Claims 6, 13-14 and 18 under 35 U.S.C. §103(a) as being unpatentable over Heinonen in view of U.S. Patent No. 6,112,103 to Puthuff, *et al.* The Applicants respectfully disagree in view of the above amendments and arguments.

As discussed above, Heinonen does not teach each limitation of amended independent Claims 1, 8 and 15. Additionally, Heinonen does not suggest the same. Heinonen is concerned with providing a means to more accurately monitor the health of a patient by using a communication device to send measurement results from a patient to a person monitoring the patient's health. (*See* column 1, line 66, to column 2, line 11.) Heinonen clearly discloses **the measuring unit 11** performs and provides the measurement results and that the mobile phone is used to transmit those results from the monitoring unit. (*See* column 4, lines 1-7, and column 5, lines 40-53.) Thus, Heinonen does not teach or suggest each element as recited in independent Claims 1, 8 and 15.

Puthuff was cited by the Examiner to teach the subject matter of dependent Claim 6, 13-14 and 18. (*See* Examiner's Final Rejection, pages 8-9.) The Applicants do not find where Puthuff cures the noted deficiencies of Puthuff. As such, the Applicants do not see where the cited combination provides a *prima facie* case of obviousness of amended independent Claims 1, 8 and 15

and Claims dependent thereon. The cited combination, therefore, does not render dependent Claims 6, 13-14 and 18 unpatentable. Accordingly, the Applicants respectfully request the Examiner withdraw the §103(a) rejection of Claims 6, 13-14 and 18 and allow issuance thereof.

III. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-20.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC



J. Joel Justiss
Registration No. 48,981

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P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800